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displayed program information, wherein a program available for selection includes a subscription to a speciality channel, and wherein operation of the control starts the subscription to the speciality channel.

127. (Twice Amended) A method for selecting programs, comprising:

receiving programs and program information related to the received programs, wherein the program information include menu information for interactive services and data services, and wherein the menu information is generated automatically by an operations center by analyzing the programs using a heuristic;

transmitting the menu information for the interactive services and the data services to viewers;

displaying a program menu based on the program information; and

ordering a subscription to a program using a remote control, the program listed in the program menu, wherein the subscription includes a subscription to a speciality channel.

#### REMARKS

Claims 1-129 are pending in this application. By this amendment, claims 1, 34, 35, 38, 62, 87, 108, 119, and 127 are amended. Support for the amendments can be found at least on page 32, lines 3-11 of the specification. No new matter is introduced. Reconsideration and prompt allowance of the claims is respectfully requested.

#### **35 U.S.C. § 112 Rejections**

Claims 21-22, 35, 37, 81-82, 117-118, 123, and 128-129 are rejected under 35 U.S.C. §112. Specifically, the Examiner asserts that for claims 21-22, 81-82, 117-118, 123, and 128-129, the present application fails to provide support for an Internet Service Provider (ISP). The Applicants respectfully traverse.

Regarding claims 21-22 and 123, one skilled in the art at the time the application was filed would appreciate that Prodigy and American On-Line constituted Internet Service Provider.

Claims 81-82, 117-118, and 128-129 do not recite Internet Service Provider. In addition, one skilled in the art at the time the application was filed would understand that Prodigy and American On-Line constituted alternate programming including an online address, as recited in claims 81-82, and on line services and data services, as recited in claims 117-118.

Claim 35 has been amended to remove the objected limitation. Withdrawal of the claims rejections under 35 U.S.C. §112 is respectfully requested.

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### 35 U.S.C. § 103 Rejections

Claims 1, 3-6, 10-18, 20, 27-33, 38, 43-45, 51-56, 60-67, 66-67, 69-80, 83-85, 89-90, 93-100, 102-115, 119-120, 122, and 124-127 are rejected under 35 U.S.C. § 103 (a) as being anticipated by U.S. Patent 5,477,262 to Banker et al. (hereafter Banker) in view of U.S. Patent 5,479,266 to Young et al. (hereafter Young). The Applicants respectfully traverse.

Banker is directed to a method and apparatus for providing an on-screen user-friendly interface for a subscription television terminal. Young is directed to a user interface for a television schedule system.

With respect to independent claim 1, neither Banker nor Young, individually or in combination, discloses or suggests "the menu information is generated automatically by an operations center by analyzing the programming packaging using a heuristic" as recited in amended claim 1. Therefore, independent claim 1 is allowable.

Claims 3-6, 10-18, 20, and 27-33 are allowable because they depend from allowable claim 1 and for the additional features they recite. Applicants therefore respectfully request withdrawal of the rejection of claims 1, 3-6, 10-18, 20, and 27-33 under 35 U.S.C. § 103 (a).

With respect to independent claim 62, neither Banker nor Young, individually or in combination, discloses or suggests "the menu information is generated automatically by an operations center by analyzing the programming using a heuristic" as recited in amended claim 62. Therefore, independent claim 62 is allowable.

Claims 63-67, 69-80, and 83-85 are allowable because they depend from allowable claim 62 and for the additional features they recite. Applicants therefore respectfully request withdrawal of the rejection of claims 62, 63-67, 69-80, and 83-85 under 35 U.S.C. § 103 (a).

With respect to independent claim 108, neither Banker nor Young, individually or in combination, discloses or suggests "the menu information is generated automatically by an operations center by analyzing the programs using a heuristic" as recited in amended claim 108. Therefore, independent claim 108 is allowable.

Claims 109-115 are allowable because they depend from allowable claim 108 and for the additional features they recite. Applicants therefore respectfully request withdrawal of the rejection of claims 108 and 109-115 under 35 U.S.C. § 103 (a).

With respect to independent claim 119, neither Banker nor Young, individually or in combination, discloses or suggests "the menu information is generated automatically by an

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operations center by analyzing the programs using a heuristic" as recited in amended claim 119. Therefore, independent claim 119 is allowable.

Claims 120, 122, and 124-126 are allowable because they depend from allowable claim 119 and for the additional features they recite. Applicants therefore respectfully request withdrawal of the rejection of claims 119, 120, 122, and 124-126 under 35 U.S.C. §103 (a).

With respect to independent claim 127, neither Banker nor Young, individually or in combination, discloses or suggests "the menu information is generated automatically by an operations center by analyzing the programs using a heuristic" as recited in amended claim 127. Therefore, independent claim 127 is allowable.

With respect to independent claim 38, neither Banker nor Young, individually or in combination, discloses or suggests "the menu information is generated automatically by an operations center by analyzing the programming packaging using a heuristic" as recited in amended claim 38. Therefore, independent claim 38 is allowable.

Claims 43-45, 51-56, and 60-61 are allowable because they depend from allowable claim 38 and for the additional features they recite. Applicants therefore respectfully request withdrawal of the rejection of claims 38, 43-45, 51-56, and 60-61 under 35 U.S.C. §103 (a).

Claims 2, 46-51, 57, and 65 are rejected under 35 U.S.C. §103 (a) as being anticipated by Banker in view of Young and further in view of U.S. Patent 5,001,554 to Johnson et al (hereafter Johnson). The Applicants respectfully traverse.

Claim 2 is allowable because it depends from allowable claim 1 and for the additional features it recites. Applicants therefore respectfully request withdrawal of the rejection of claim 2 under 35 U.S.C. §103 (a).

Claims 46-51, and 57 are allowable because they depend from allowable claim 38 and for the additional features they recite. Applicants therefore respectfully request withdrawal of the rejection of claims 46-51, and 57 under 35 U.S.C. §103 (a).

Claim 65 is allowable because it depends from allowable claim 62 and for the additional features it recites. Applicants therefore respectfully request withdrawal of the rejection of claim 65 under 35 U.S.C. §103 (a).

Claims 7-9, 34, 35, 37, 40-42, 58, 62, and 86-88 are rejected under 35 U.S.C. §103 (a) as being anticipated by Banker in view of Young and further in view of U.S. Patent 5,367,330 to Haave et al (hereafter Haave). The Applicants respectfully traverse.

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Haave is directed to a method and apparatus for controlling and delivering television programming from a control station to one or more substations.

With respect to independent claim 34, none of the cited references disclose or suggest "the menu information is generated automatically by an operations center by analyzing the program line-up information using a heuristic" as recited in amended claim 34. Therefore, independent claim 34 is allowable.

Claims 35 and 37 are allowable because they depend from allowable claim 34 and for the additional features they recite. Applicants therefore respectfully request withdrawal of the rejection of claims 34, 35, and 37 under 35 U.S.C. §103 (a).

With respect to independent claim 62, none of the cited references disclose or suggest "the menu information is generated automatically by an operations center by analyzing the programming using a heuristic" as recited in amended claim 62. Therefore, independent claim 62 is allowable.

Claim 86 is allowable because it depends from allowable claim 62 and for the additional features it recites. Applicants therefore respectfully request withdrawal of the rejection of claims 62 and 86 under 35 U.S.C. §103 (a).

With respect to independent claim 87, none of the cited references disclose or suggest "the menu information is generated automatically by an operations center by analyzing the television programs using a heuristic" as recited in amended claim 87. Therefore, independent claim 87 is allowable.

Claims 88 is allowable because it depends from allowable claim 87 and for the additional features it recites. Applicants therefore respectfully request withdrawal of the rejection of claims 87 and 88 under 35 U.S.C. §103 (a).

Claims 7-9 are allowable because they depend from allowable claim 1 and for the additional features they recite. Applicants therefore respectfully request withdrawal of the rejection of claims 7-9 under 35 U.S.C. §103 (a).

Claims 40-42, and 58 are allowable because they depend from allowable claim 38 and for the additional features they recite. Applicants therefore respectfully request withdrawal of the rejection of claims 40-42, and 58 under 35 U.S.C. §103 (a).

Claims 21-22, 24-26, 81-82, 91-92, 117-118, and 123 are rejected under 35 U.S.C. §103 (a) as being anticipated by Banker in view of Young and further in view of U.S. Patent 6,025,737

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to Matthews, III et al (hereafter Matthews). The Applicants respectfully traverse.

Claims 21-22, and 24-26 are allowable because they depend from allowable claim 1 and for the additional features they recite. Applicants therefore respectfully request withdrawal of the rejection of claims 21-22, and 24-26 under 35 U.S.C. §103 (a).

Claims 81-82 are allowable because they depend from allowable claim 62 and for the additional features they recite. Applicants therefore respectfully request withdrawal of the rejection of claims 81-82 under 35 U.S.C. §103 (a).

Claims 91-92 are allowable because they depend from allowable claim 87 and for the additional features they recite. Applicants therefore respectfully request withdrawal of the rejection of claims 91-92 under 35 U.S.C. §103 (a).

Claims 117-118 are allowable because they depend from allowable claim 108 and for the additional features they recite. Applicants therefore respectfully request withdrawal of the rejection of claims 117-118 under 35 U.S.C. §103 (a).

Claims 81-82 are allowable because they depend from allowable claim 62 and for the additional features they recite. Applicants therefore respectfully request withdrawal of the rejection of claims 81-82 under 35 U.S.C. §103 (a).

Claim 123 is allowable because it depends from allowable claim 119 and for the additional features it recites. Applicants therefore respectfully request withdrawal of the rejection of claim 123 under 35 U.S.C. §103 (a).

Claim 19 is rejected under 35 U.S.C. §103 (a) as being anticipated by Banker in view of Young and further in view of U.S. Patent 5,940,073 to Klosterman et al (hereafter Klosterman). The Applicants respectfully traverse.

Claim 19 is allowable because it depends from allowable claim 1 and for the additional features it recites. Applicants therefore respectfully request withdrawal of the rejection of claim 19 under 35 U.S.C. §103 (a).

Claims 24-26 are rejected under 35 U.S.C. §103 (a) as being anticipated by Banker in view of Young and further in view of U.S. Patent 5,381,477 to Beyers, II et al (hereafter Beyers). The Applicants respectfully traverse.

Claims 24-26 are allowable because they depend from allowable claim 1 and for the additional features they recite. Applicants therefore respectfully request withdrawal of the rejection of claims 24-26 under 35 U.S.C. §103 (a).

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In view of the above remarks, Applicant respectfully requests reconsideration and allowance of all pending claims.

The Commissioner is hereby authorized to charge or credit any deficiencies in connection with this response to deposit account No. 04-1425.

Respectfully Submitted,

Dated: \_\_\_\_\_

**DRAFT**

Kelly T. Lee

Registration No. 47,743  
DORSEY & WHITNEY LLP  
1001 Pennsylvania Ave, N.W.  
Suite 400 South  
Washington, DC 20004  
Tel. (202) 442-3524  
Fax (202) 442-3199

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**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

**IN THE CLAIMS:**

1. (Twice Amended) A method for providing programming in a television delivery system, comprising:

packaging the programming at a television delivery center, wherein the packaging includes at least one program;

generating menu information related to the programming packaging, wherein the menu information include menu data for interactive services and data services, and wherein the menu information is generated automatically by an operations center by analyzing the programming packaging using a heuristic;

transmitting the menu data for the interactive services and the data services to viewers;

providing the menu information to terminals using the television delivery system;

storing the menu information in the terminals;

displaying the menu information as programming menus, wherein a programming menu is displayed on a first portion of a display coupled to a terminal and wherein the programming menu is displayed using a television channel;

choosing a program from the displayed programming menu;

receiving a program selection based on the program chosen from the displayed programming menu;

switching the terminal from the television channel carrying the programming menu to a television channel carrying the chosen program, wherein the switching step is completed in response to a single control function; and

displaying the chosen program on the display.

34. (Twice Amended) A method for generating a television program menu for use by viewers in selecting programs based on program line-up information, comprising:

obtaining and storing the program line-up information for each program, the program line-up information including program name, program start time, program duration, program category and program price;

generating menu data based on the program line-up information, wherein the menu data include menu information for interactive services and data services, and wherein the menu information is generated automatically by an operations center by analyzing the program line-up

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information using a heuristic;

transmitting the menu information for the interactive services and the data services to viewers;

creating a program control information signal using the generated menu data;

transmitting the programs to the viewers; and

transmitting the program control information signal simultaneously with the programs.

35. (Twice Amended) The method of claim 34, wherein the program control information signal also contains information for identifying channels for the interactive services and the data services available to the viewers, the method further comprising:

collecting information on the interactive and the data services available;

inventorying the interactive and the data services to be made available to the viewer;

assigning the channels for the interactive and the data services;

[determining a method of upstream transmissions for the interactive and the data services;] and

creating menu data for the interactive and the data services for transmission to the viewers.

38. (Three Times Amended) A method for selecting a program from a broadcast television system, comprising:

generating program menu data related to programming packaging, wherein the menu data include menu information for interactive services and data services, and wherein the menu information is generated automatically by an operations center by analyzing the programming packaging using a heuristic;

transmitting the menu information for the interactive services and the data services to viewers;

providing the menu data to a terminal in the broadcast television system;

creating a menu from the menu data, wherein the menu includes a window;

scrolling the menu to a desired program; and

selecting the desired program for display on a display coupled to the terminal, wherein the selected program is displayed in response to a single control function.

62. (Twice Amended) A system that provides programming selection from a menu, comprising:

a television delivery system that packages programming, wherein the programming



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package includes at least one program, generates menu information related to the programming, and provides the programming package and the menu information to subscribers, [and] wherein the menu information include menu data for interactive services and data services, and wherein the menu information is generated automatically by an operations center by analyzing the programming using a heuristic;

a terminal operably connected to the television delivery system, the terminal comprising:

a memory that stores the menu information;

a processor connected to the memory that processes the menu information to generate the menu, and

a control operably connected to the processor that provides program selection instructions to the processor;

a display operably connected to the terminal that displays the menu and the programming, wherein the terminal switches to a channel carrying a program selected from the menu in response to a program selection instruction, the program selection instruction being a single control function.

87. (Twice Amended) An apparatus that provides for television program selection from a displayed menu, comprising:

a terminal that receives television programs and menu data related to the television programs, wherein the menu data include menu information for interactive services and data services, and wherein the menu information is generated automatically by an operations center by analyzing the television programs using a heuristic;

a display coupled to the terminal that displays the menu data and the television programs; and

a control that scrolls through the menu data, cursors through the menu data, and selects a desired television program from the television programs, wherein when the desired television program is selected, the terminal switches to a channel carrying the selected television program and the display displays the selected television program.

108. (Twice Amended) An apparatus for selecting programs, comprising:

a receiver that receives programs and program control information related to the received programs, wherein the program control information include menu information for interactive services and data services, and wherein the menu information is generated automatically by an

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operations center by analyzing the programs using a heuristic;

a memory coupled to the receiver that stores the program control information;

a processor coupled to the receiver and the memory, the processor processing the program control information to generate a program menu, the program menu stored in the memory, wherein the program menu provides a list of available programs for viewing;

a display coupled to the processor that displays the program menu and the programs; and

a control coupled to the processor, the control providing program selection signals, wherein the program selection signals select a program for viewing on the display, the program selected from the list of available programs shown on the program menu.

119. (Twice Amended) An apparatus for selecting programs, comprising:

a receiver that receives the programs and program information related to the received programs, wherein the program information include menu information for interactive services and data services, and wherein the menu information is generated automatically by an operations center by analyzing the programs using a heuristic;

a display that displays a program menu based on the program information; and

a control, operable to select a program for viewing, the program selected based on the displayed program information, wherein a program available for selection includes a subscription to a speciality channel, and wherein operation of the control starts the subscription to the speciality channel.

127. (Twice Amended) A method for selecting programs, comprising:

receiving programs and program information related to the received programs, wherein the program information include menu information for interactive services and data services, and wherein the menu information is generated automatically by an operations center by analyzing the programs using a heuristic;

transmitting the menu information for the interactive services and the data services to viewers;

displaying a program menu based on the program information; and

ordering a subscription to a program using a remote control, the program listed in the program menu, wherein the subscription includes a subscription to a speciality channel.